

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XVII

VILLAGE OFFICES

168.381 Village officer; qualifications, nomination, election, appointment, term, and removal; temporary appointment of trustees for transaction of business; expiration of appointment; filing for office; nominating petitions.

Sec. 381. (1) Except as provided in this section and sections 383, 641, 642, 642a, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a village officer shall be as determined by the charter provisions governing the village.

(2) If the membership of the village council of a village governed by the general law village act, 1895 PA 3, MCL 61.1 to 74.25, is reduced to less than a quorum of 4 and a special election for the purpose of filling all vacancies in the office of trustee is called under section 13 of chapter II of the general law village act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall be made as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population of the village is situated shall make temporary appointment of the number of trustees required to constitute a quorum for the transaction of business by the village council. A trustee appointed under this subsection shall hold the office only until the trustee's successor is elected and qualified. A trustee who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive village office.

(3) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive village office made by a quorum constituted by temporary appointments under this subsection expires upon the election and qualification of trustees under the special election called to fill the vacancies in the office of trustee.

(4) Filing for a village office shall be with the township clerk if the township is conducting the election or if the village is located in more than 1 township with the township in which the largest number of the registered electors of the village reside. Until December 31, 2013, nominating petitions for village offices shall be filed with the appropriate township clerk by 4 p.m. on the twelfth Tuesday before the general November election. Beginning January 1, 2014, nominating petitions for village offices shall be filed with the appropriate township clerk by 4 p.m. on the fifteenth Tuesday before the general November election. After a nominating petition is filed for a candidate for a village office, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the appropriate township clerk not later than 4 p.m. of the third day after the last day for filing the nominating petition.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1980, Act 60, Imd. Eff. Apr. 1, 1980;—Am. 1982, Act 505, Eff. Mar. 30, 1983;—Am. 1991, Act 16, Imd. Eff. May 1, 1991;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 290, Imd. Eff. July 23, 2004;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2006, Act 122, Imd. Eff. Apr. 14, 2006;—Am. 2010, Act 184, Imd. Eff. Sept. 30, 2010;—Am. 2012, Act 276, Eff. Aug. 16, 2012;—Am. 2012, Act 523, Eff. Mar. 28, 2013.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.382 Village officers; nomination and election.

Sec. 382. Except as otherwise provided in this act, the general law village act, 1895 PA 3, MCL 61.1 to 74.25, or the home rule village act, 1909 PA 278, MCL 78.1 to 78.28, if the charter of a village does not specify the time, manner, and means of nominating and electing its public officers, the village shall nominate and elect its officers in accordance with the provisions governing the selection of township officers, as provided in chapter XV.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Eff. June 30, 1955;—Am. 1963, 2nd Ex. Sess., Act 8, Imd. Eff. Dec. 27, 1963;—Am. 1973, Act 147, Imd. Eff. Nov. 21, 1973;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: At the end of this section, the reference to "chapter XV" evidently should read "chapter XVI".

Popular name: Election Code

168.383 Removal of village officers by governor; grounds; action on charges; service of charges; hearing; eligibility for election or appointment following removal or conviction.

Sec. 383. The governor shall remove all village officers chosen by the electors of a village when the governor is satisfied from sufficient evidence submitted to the governor that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it appears by a certified copy of the judgment of a court of record of this state that a village officer, after the officer's election or appointment, has been convicted of a felony. The governor shall not take action upon any charges made to the governor against a village officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that the party believes the charges to be true. A village officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the person or persons complained against shall be made by personal service to the officer of a copy of the charges, together with all affidavits or exhibits which may be attached to the original petition, if the officer can be found; and if not, by leaving a copy of the charges at the last known place of residence of the officer with a person of suitable age, if a person of suitable age can be found; and if not, by posting the copy of the charges in a conspicuous place at the officer's last known place of residence. An officer who has been removed from office pursuant to this section shall not be eligible for election or appointment to any office for a period of 3 years from the date of the removal from office. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to an elective or appointive village office for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1982, Act 505, Eff. Mar. 30, 1983.

Popular name: Election Code